

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

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TIARRA FAIN, :
Plaintiff, :
vs. : CASE NO. 3:12-CV-293
RAPPAHANNOCK REGIONAL JAIL, :
et al., :
Defendants. :

----- x
Deposition of OFFICER MELISSA STONE

Stafford, Virginia

Tuesday, February 12, 2013

3:33 p.m.

Job No.: 32439

Pages: 1 - 23

Reported by: Sarah M. Bickel, RPR

PLAINTIFF'S
EXHIBIT

B

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CONDUCTED ON TUESDAY, FEBRUARY 12, 2013

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1 have a recollection of it, or is it just that's
2 always your procedure?

3 A That's always my procedure.

4 Q I'll show you an example -- I'll show you
5 a hospital duty log from April 2010, and it has -- I
6 think these were previously marked as Giuffra
7 Exhibit 1, and I believe your name appears on here
8 twice.

9 Can you look and see if you can tell me
10 what times you were on duty with Ms. Fain in the
11 hospital?

12 A This says 4/18/2010 from 5:45 to 07:00.

13 Q Let's see. On 4/18/10, you were on from
14 4:15 to 7:10; is that right?

15 A Uh-huh.

16 Q Now, were you on any other time?

17 A Yes, I was.

18 Q When?

19 A 4/18th from 4:15 to 07:10.

20 Q Now, that's a morning shift, is it not?

21 A I believe it was.

22 Q And the 17:45 on 4/18 would be from --

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1 that's 7:45 in the evening to 7 the next morning; is
2 that right?

3 MR. FRANCUZENKO: No, that's military
4 time. That's 5:45.

5 BY MR. SHIELDS:

6 Q All right. So 5:45. Okay.

7 What causes you to remember this case
8 specifically?

9 A I don't remember this case. I remember
10 her vaguely.

11 Q So when you say you remember taking the
12 restraint off, what you're really saying is that
13 would have been your procedure rather than anything
14 you specifically remember; is that correct?

15 A Yes. If she went to the bathroom, she got
16 it taken off.

17 Q But as you sit here today, you can't say,
18 I remember specifically taking them off before
19 delivery, in her case; it just is that was your
20 procedure, am I right?

21 A That's my procedure. That's every --
22 that's policies and procedures, yes.

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1 Q But you don't have a recollection of doing
2 it yourself?

3 A No. It's been over three years.

4 Q I'll show you a statement and ask if you
5 can identify that.

6 A Yes.

7 Q And what is that?

8 A That is my -- my report.

9 Q And why was this report prepared?

10 A For this case.

11 Q Do you know when you prepared it?

12 A No, I do not.

13 Q Do you remember who asked you to prepare
14 it?

15 A That would be Lieutenant Norris, I
16 believe.

17 Q And who is Lieutenant Norris?

18 A Lieutenant Norris is my director,
19 supervisor.

20 Q It said, first of all, that you
21 transported Ms. Fain to Mary Washington Hospital; is
22 that right?

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1 A Yes.

2 Q And she was restrained with one hand to
3 the gurney during that transportation?

4 A Yes.

5 Q And when it says that she -- When arriving
6 at the hospital and transferred to labor bed at Mary
7 Washington, the leather restraints removed from one
8 hand and put on the bed. Does that mean that she, at
9 that point, had one hand restrained to the bed, the
10 tether was one hand on the -- one on her hand and one

11 on the bed?

12 A Yes.

13 Q And you said the leather restraints were
14 not on her legs --

15 A No.

16 Q -- while neither in labor nor during
17 delivery of the child?

18 A No.

19 Q It doesn't say here, however, that the --
20 that it was removed from her arm, does it?

21 A No.

22 Q And that's because you don't remember

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1 that; is that right?

2 A All pregnancies during delivery, when --
3 when giving birth, all restraints are removed.

4 Q But it doesn't say in here that you have a
5 specific recollection of taking it off?

6 A No. It also states in my report as well
7 that there was no -- no -- at no time were leather
8 restraints on her legs in either delivery or
9 childbirth.

10 Q That's right.

11 A So it's basically saying there's no
12 restraints.

13 Q And it says -- it says specifically, There
14 at no time were leather restraints on her legs while
15 neither in labor nor during delivery of her child,
16 correct?

17 A Uh-huh.

18 Q But it does not specifically say that
19 there were no leather restraints on her arms?

20 A There wasn't.

21 Q But it doesn't say that, does it?

22 A Right.

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1 Q And this was something you wrote up, when,
2 in January 17th, 2012?

3 A Uh-huh.

4 Q And your memory would be better of it then
5 than now, would it not?

6 A No, not really.

7 Q So you didn't remember it then --

8 A I had to go back through logs.

9 Q So you didn't remember then either?

10 A I remember most of it, but like I said, I
11 had to go back through logs because we had to find
12 out if I did transport her, because they have a
13 logbook.

14 Q And so under oath, your statement is you
15 do not recall, one way or the other, you're just
16 testifying from your usual procedure, correct?

17 A I will strongly -- I will strongly
18 suggest --

19 Q Is that true or false?

20 A That would be true.

21 Q Thank you.

22 MR. SHIELDS: I would ask also that we

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1 to me other than what she needed.

2 Q And you have a clear recollection of that
3 after all these years?

4 A Yes, because there was -- there was
5 nothing in -- when I worked at the hospital with her,
6 that it stands out to me there was anything wrong.

7 Q All right. So that's what you're saying.

8 Since there is nothing that stands out,
9 you're making assumptions about what was not done or
10 done, correct?

11 A I did everything according to what I'm
12 supposed to do by the rules and regulations of RRJ.

13 Q And you're saying that because that's your
14 procedure, not because you actually remember doing
15 it?

16 A I do follow policies and procedures or I
17 would not have a job.

18 Q But, again, you don't have a firm
19 recollection of precisely what happened with her,
20 you're just following what --

21 A Everything -- as far as I know, everything
22 with her was done correctly.

RAPPAHANNOCK REGIONAL JAIL INCIDENT REPORT

EXHIBIT

Stone 1
2/12/13 SB

DATE OF REPORT: 01/17/2012	NATURE OF INCIDENT: Hospital duty		
	IS INMATE A FEDERAL INMATE? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
REPORTED BY (Full Name) Officer M Stone	BADGE #:	DATE OF INCIDENT: 4-18-10	TIME: 1405-1825
	LOCATION: Mary Washington Hospital		
SUBJECT'S NAME(S): 1) Fain, Tiarra		2)	3)
WITNESS(S): 1)		2)	3)
1) DESCRIPTION OF INCIDENT:			
<p>On the above date and approximate time I, Officer Stone did transport Inmate Fain, Tiarra to Mary Washington Hospital by rescue. Inmate Fain was restrained with one hand to the gurney. When arriving to the hospital and transfer to the labor bed at Mary Washington Hospital the leather restraints were removed from the one hand and put on the bed once she was in the labor bed. There at no time were the leather restraints on her legs while neither in labor nor during the delivery of her child. After the baby was delivered she was able to clean up and was moved to a mother and baby room. At this point Inmate Fain, Tiarra was then restrained with one hand and one leg to the bed. Inmate Fain, Tiarra was able to go to the bathroom with out the restraints with the nurse assisting her to the bathroom. Once done she returned back to the bed the restraints were back on with one hand and one leg to the bed. I was only there for a 12 hour shift. When relieved by the on-coming Officer, they were briefed of the situation. End of report.</p>			
INCIDENT REPORTED TO:			
YES NO			
WAS INMATE CHARGED WITH INSTITUTIONAL CHARGES? <input type="checkbox"/> <input checked="" type="checkbox"/>			
IF YES: OFFENSE CODE:		OFFENSE TITLE:	
OFFENSE CODE:		OFFENSE TITLE:	
TIME: 1039	REPORTING OFFICER: SIGNATURE OF <i>OC. BRJ S305W</i>		DATE: 1/17/12